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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,105	07/10/2003	Koji Kita	KIT-359	3881
24972 7590 05/30/2007 FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			EXAMINER DANG, DUY M	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/618,105

Applicant(s)

KITA ET AL.

Examiner

Duy M. Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 7-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/10/03 + 1/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention I, Claims 1-6, in the reply filed on April 27, 2007 is acknowledged. The traversal is on the ground(s) that (i)"these Groups do not constitute distinct inventions" and (ii)there is no extra burden on the Patent and Trademark Office to examine the allegedly separate inventions in a single patent application". This is not found persuasive because of the following reasons:

(a)It is noted that Applicant fails to provide support why "these Groups do not constitute distinct invention" and why there is no extra burden on the PTO to examine the inventions in a single patent application. According to MPEP 802.02 which states "*Restriction is a practice of requiring an application to elect a single claimed invention (e.g., a combination or subcombination invention, a product or process invention, a species within a genus) for examination when two or more independent inventions and/or two or more distinct inventions are claimed in an application*". In this case, the instant application does not contains a single claimed invention, but it does contain two distinct inventions that set forth in the previous Office action mailed on March 27, 2007. The invention of Group I does not require the utility that of enlarging/reducing set forth in invention of Group II and thus these inventions of Groups I-II are distinct. In addition, each invention of Groups I-II has a separate classification status. The search for invention of Group II, class 382 subclass 298 does not require to search class 382 subclass 296 (See Manual Patent Classification) of invention of Group I. Therefore, the examination of invention of Group I is not the same as to invention of Group II and thus there is

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a serious burden on the examination if there is no restriction required. Therefore, Applicant is required to elect a single claimed invention. Also see 35 USC 101 and 121.

The requirement is still deemed proper and is therefore made FINAL.

Claims 7-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention of Group II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 27, 2007.

Claim Objections

2. Claim 6 is objected to because of the following informalities: at line 3, replace “;” by “,” (comma). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Hirano et al. (USPN 5,493,639. Art of record provided by Applicant's IDS filed on 1/25/05, referred as Hirano hereafter) in view of Yamagata et al. (USPN 5,920,658. Referred as Yamagata hereinafter).

Regarding claim 1, Hirano teaches an image processing apparatus having synthesizing means (i.e., editing processing unit 81 of figure 8) for synthesizing image information in the form of digital signals and template information (see figur3: blocks 30 and 34 refer to the so

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called “template information” and character code , depicted at 32 and 36 refer to the so called “digital signals”) the apparatus comprising: rotation processing means (see column 1 lines 51-54, column 2 lines 1-3 and editing processing unit 81 of figure 8. Note that rotation is a part of editing command so the editing processing 81 functions as the so called “rotation processing means”) for effecting a rotation operation on the template information according to a posture of the image information which is either a vertical posture or a horizontal posture (the height and width of the region depicted at 31 and 35 of figure 3 correspond to the so called “vertical and horizontal postures” respectively), the vertical and horizontal postures having different vertical and horizontal sizes from each other (the height and width of the region depicted at 31 and 35 of figure 3 have different sizes i.e., height is shorter than width), the template information having a reference display posture corresponding to either said vertical or horizontal posture of the image information (i.e., each shape of each regions 30, 31, 34, and 35 is a rectangle shape which refers to claimed “reference display posture”); and converting means for converting the template information according to a predetermined rule when said rotation processing means effects the rotation operation (i.e., the editing processing unit 81 of figure 8 for converting region 30 depicted at left side of figure 3 to region 30 depicted at the right side of figure 3 into the hard copy depicted at 84 of figure 8).

Regarding claim 2, Hirano further teaches wherein the template information comprises image data for forming, in said reference display posture, horizontal sides and vertical sides around the image information and said rule includes a numerical value representing a ratio so that the horizontal sides and the vertical sides of the template information after the rotation operation thereof are set to a predetermined width ratio (i.e., the representation in figure 3 has

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attribute depicted at figure 10b. For example the “size” in figure 10b has numerical value represented at “80,40” which refers to the length of the width and height of the region 30 of figure 3 so the ratio of width and height in this case is 2:1 (80/40)).

Regarding claim 5, this claim is also rejected for the same reasons as set forth in claims 1-2 above.

Regarding claim 6, the rejection applied to claim 1 above is incorporated herein.

Allowable Subject Matter

5. Claim 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the closest prior art (Hirano) does not appear to teach or suggest claimed features of “wherein the template information comprises character string data for displaying a leading character according to a predetermined reference coordinate system in the reference display posture; and said rule includes a parameter for converting a display position of the leading character into a value corresponding to a length of one side of the image information after the rotation operation and a parameter for setting an inter-character distance of the character string according to the length of said one side.”

Regarding claim 4, the closest prior art (Hirano) does not appear to teach or suggest claimed features of “wherein the template information comprise image data to be set within the image information based on predetermined locate information in the reference display posture; and said rule includes a parameter for converting the locate information so that the template

information may be displayed at a predetermined position within the image information during the rotation operation.”

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Yamagata et al. (USPN 5,920,658) teaches image rotation.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd
5/07


DUY M. DANG
PRIMARY EXAMINER